

Minutes
State Election Commission Meeting
January 14, 2013

The State Election Commission meeting was called to order by Chairman Kent Younce at 12:20 p.m., Central Standard Time January 14, 2013. The following members and staff were present: Chairman Younce; Commissioners, Blackburn, DuBois, Head, Wallace, and Wheeler, Coordinator of Elections Mark Goins; Assistant Coordinator of Elections Beth Henry – Robertson, HAVA Coordinator Wayne Pruett and Kathy Summers, Elections Specialist.

Motion was made, seconded and unanimously approved to adopt the minutes from November 13, 2012.

Pursuant to T.C.A. § § 2-12-101 and 2-12-106, motion was made, seconded and unanimously approved to accept the nominations for county election commission appointment as submitted by commission members and to remain open until the close of business (4:30 p.m. Central Standard Time). (See attached list of appointments made.)

Old Business

- Commission members voted in November to conduct a review of Davidson County. The Davidson County Election Commission is requesting a delay of this review.

Coordinator Goins gave the State Election Commission a brief overview of issues raised during the 2012 election cycle.

Members present from the Davidson County Election Commission were as follows: Chairman Lynn Greer, Commissioners, Steve Abernathy and Eddie Bryan. Davidson County Election Administrator Albert Tieche and staff members Lionel Barrett, Bobby Medley and Nicole Smith were also present. Presentation for delay was given by Chairman Greer and Commissioner Abernathy. Handout and documents provided by the county election commission are attached.

Albert Tieche spoke regarding the change of polling places in Rep Gilmore's district which also involved Councilman Erica Gilmore. The election commission was in favor of the precinct change requested by Councilman Gilmore. Mr. Tieche stated updated voter cards were mailed to all voters affected by the change. It is Mr. Tieche's belief that many voters never looked at their updated card; therefore, they went to the wrong polling place on Election Day.

Chairman Younce advised commission members they could resend, delay or carry on with the review.

Motion was made, seconded and unanimously approved to continue with the Coordinator's office reviewing Davidson County Election Commission in January.

New Business

- **Letter and Packet to General Assembly**

Commission members reviewed the letter and packet to be sent to the General Assembly regarding county election commission appointments. See attached packet reviewed.

Coordinator Update

- **Dekalb County – AOE request to be excused from June Seminar**

Dekalb County Administrator of Elections Dennis Stanley requests the State Election Commission to excuse him from the annual seminar as he has the Smithville City election on June 18, 2013.

Motion was made, seconded and unanimously approved to excuse Mr. Stanley from the June seminar.

- **Meeting with Lt. Governor Ramsey and Speaker Harwell**

A meeting date has been set for February 11, 2013 at 2:00 p.m. to meet with Lt. Governor Ron Ramsey and Speaker Beth Harwell regarding various county election commission issues. The meeting will be held in the Lt. Governor's office.

Angela Webster with the TN Disability and Advocacy Center introduced the new Executive Director Lisa Primm. Mrs. Webster asked the State Election Commission and Coordinator Goins to look at accessibility issues in Davidson County when conducting the review of the Davidson County Election Commission. Mrs. Webster has requested to meet with Albert Tieche but has not been successful in setting up a meeting.

Commissioner Blackburn would like to promote the use of 17 year olds working the polls.

The next meeting is February 11, 2013. The meeting will be held in the William R. Snodgrass – Tennessee Tower, 3rd Floor, Cannon Room at NOON Central Standard Time.

Motion was made to adjourn, and there being no further business to come before the commission at this time, the meeting was adjourned.

Respectfully submitted,

 3/11/2013
Tom Wheeler – Secretary
State Election Commission

Vacant Status

14-Jan-13

Lewis

D Greg Duckett
R Tom DuBois

R

Sumner

D Tommy Head
R Tom DuBois

R

Total Vacancies: 2

Holdover Status

14-Jan-13

		Appointment	Reappointment
Gibson			
D	Greg Duckett		
R	Jimmy Wallace		
D	Kathleen Smith	6/22/2007	5/27/2009
D	Robert S. Phelan	4/3/1995	5/27/2009
Haywood			
D	Greg Duckett		
R	Jimmy Wallace		
D	Aubrey Lee Bond	4/3/1995	4/6/2009
D	Ida Ruth Bradford	4/3/1995	4/6/2009
Henderson			
D	Greg Duckett		
R	Jimmy Wallace		
D	Cornelia T. Morris	4/3/1995	4/6/2009
D	Pope Thomas	4/17/2001	4/6/2009
Henry			
D	Greg Duckett		
R	Jimmy Wallace		
D	Paul David Hessing	4/6/2009	4/6/2009
D	Sylvia C. Humphreys	5/19/1998	4/6/2009
Total Holdovers: 8			

New Appointment Status

15-Jan-13

		Appointment
Henry	D Greg Duckett / R Jimmy Wallace	
	D Steven Wright	1/14/2013
	D Sylvia C. Humphreys	1/14/2013
Lewis	D Greg Duckett / R Tom DuBois	
	R Jimmie Carl Hatchett	1/14/2013
Total New Commissioners: 3		

**OFFICE OF INTERNAL AUDIT
AUDIT OF THE DAVIDSON COUNTY ELECTION COMMISSION
ENTRANCE CONFERENCE AGENDA
December 13, 2012**

Introductions – Metropolitan Nashville Office of Internal Audit

Mark Swann 615-862-6158

Tracy Carter 615-462-3042

Qian Yuan 270-320-6401

Audit Purpose

The purpose of the audit is to gain assurance that the Davidson County Election Commission's controls to ensure the integrity of the election process are working as management intended. Also, the audit will determine if applicable policies and procedures for fiscal management of daily operations for the Davidson County Election Commission are working as intended.

Scope

The scope of the audit will include the revenue, procurement, operational and administrative functions of the Davidson County Election Commission. We have preliminarily identified the period to review as July 1, 2010, to December 31, 2012. However, this may change upon completion of the risk assessment in order to adequately address identified concerns.

Audit Objectives

- Were controls (manual, technology, personnel training) to ensure the integrity of the election process efficient and working as management intended?
- Were controls in place to ensure proper management of fiscal resources such as personnel time and attendance, operational expenditures (competitive bidding, travel, procurement card, petty cash, etc.), and safeguarding of capital and tracked assets?
- Have previous audit recommendations from the Tennessee Comptroller's Division of Count Audit report Limited Review of Information System Controls dated June 8, 2008, been implemented?
- Describe the events and cause of the issue related voter history errors identified by the use of electronic poll books in the August 2012 primary election.
- Were the procedures followed in the procurement of the electronic poll books in compliance with Metro Nashville Purchasing Code and Regulations?
- Was the methodology for determining the allocation of voting machines and voting supplies (provisional ballots, change of address, ballot applications, disability forms, etc.) per voting site for the November 2012 presidential election reasonable?

Note: Audit objectives listed herein are preliminary and may change to reflect the level of risk upon completion of the risk assessment. Audit efforts will focus on areas of heightened risks.

**OFFICE OF INTERNAL AUDIT
AUDIT OF THE DAVIDSON COUNTY ELECTION COMMISSION
ENTRANCE CONFERENCE AGENDA
December 13, 2012**

Audit Process

- Audit survey (pre-planning and information gathering)
- Formal audit plan
- Fieldwork performance
- Discuss issues identified, if any, throughout fieldwork
- Presentation of observations for comments
- Obtain management's response to recommendations
- Prepare and review Draft Report with Management's Response
- Issue Final Report with Management Response

Audit Duration

Complete fieldwork and present draft comments by the end of February 2013 with report issuance March 2012.

Department Provided Contacts and Available Workspace

The assistance of a designated contact person or a list of personnel responsible for the different areas under review will be helpful. Also, accommodations for a suitable work area will be needed for two to three auditors.

Report Distribution

The final report will be addressed to Albert Tieche, Chief Election Administrator with copies of the final report forwarded to the following people:

- Davidson County Election Commission
- Mayor Karl Dean
- Metropolitan Audit Committee
- Greg Hinote, Deputy Mayor
- Talia Lomax-O'dneal, Deputy Finance Director
- Kim McDoniel, Chief Accountant
- Richard V. Norment, Assistant to the Controller for the Department of Audit, State of Tennessee
- Crosslin & Associates, Metro Nashville External Auditor
- Metropolitan Nashville Council

The final report will also be published on the Office of Internal Audit's website.

General Election – Davidson County - November 6th, 2012

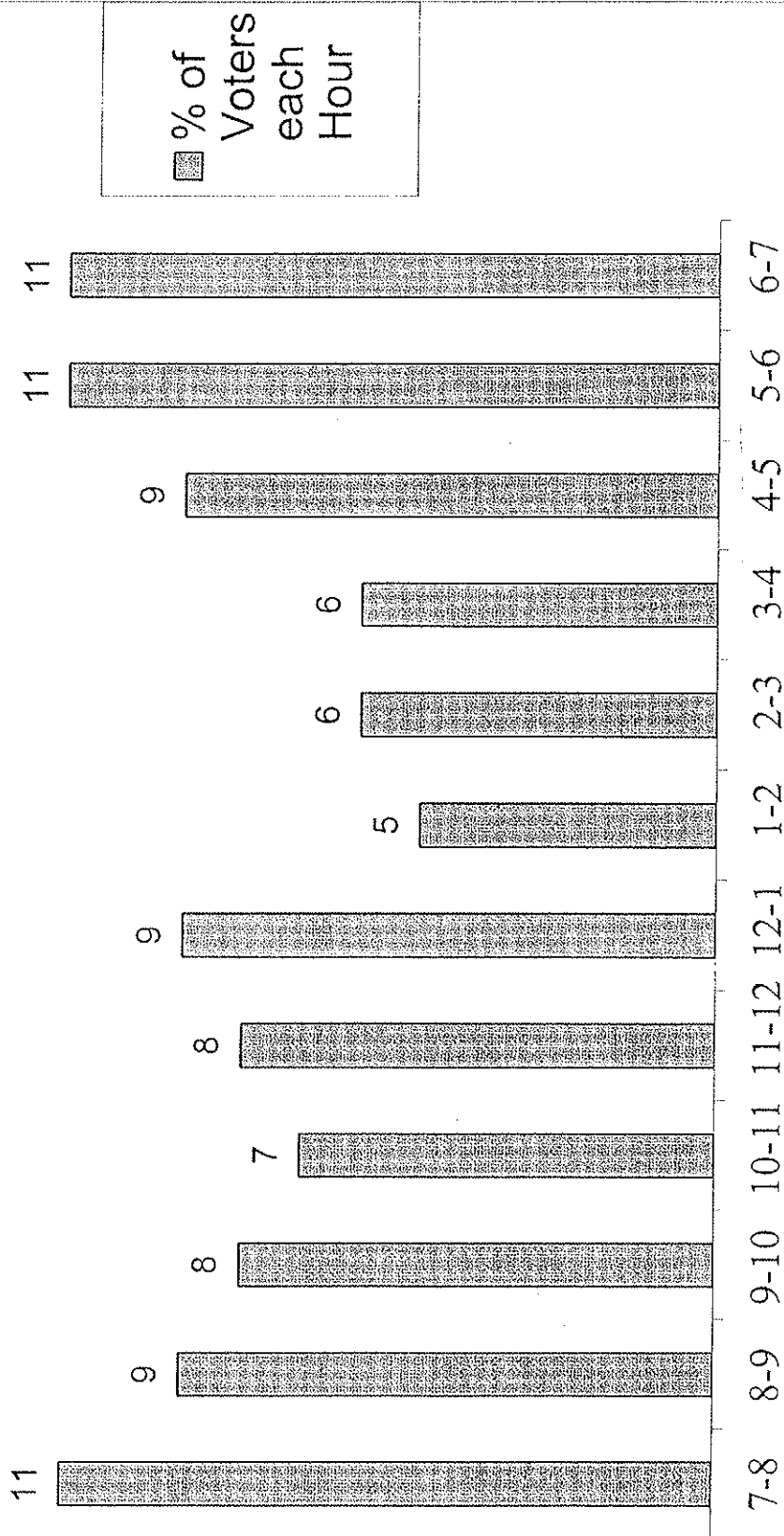
“The Perfect Storm”

- 1st real test of Photo ID process with higher voter volume
- State of Tennessee changed from Signature State to Photo ID State
- 1st major election since Redistricting which was completed April of 2012 based on 2010 Census data
- Over 52,000 Inactive Voters on the rolls, plus over 40,000 Voters that did not receive their revised Voter Registration card due to address issues
- Change of Address (COA's) forms
- Green & Orange Provisional Ballots – no way to forecast which precinct they will be required
- Difficulty in recruiting Poll Workers – extremely long day – 14 hours + low pay - \$120 per day
- Unintended consequences
- Long lines
- Electronic Poll Books

Davidson County Election Quick facts - November 2012	
Total Active registered Voters	320,841
Total Inactive registerered Voters	52,390
Total number of Early Voting Sites	12
Total Early Voting Hours Open	1548
Total EV Voters	155,485
Total Election day Votes	83,756
Absentee Ballots Sent	6,902
Absentee Ballots Returned	6,118
Total Voter Turnout	246,517
Early Voting as % of Turnout/Active	48.50%
Election Day Voting as % of Turnout/Active	28.40%
Total Uniformed and Overseas Citizen Absentee	1,292
COA Forms Processed - Precincts	5,734
COA forms Processed - Five Satellites	940
Orange Provisionals Prepared	41
Orange Provisionals Counted	2
Green Provisionals Prepared	532
Green Provisonals Counted	179
Total Number Poll Workers	1,140

- 48% of Active Reg. Voters
 - 26% " " "
 - 1.9% " " "

% of voters per hour



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



KARL F. DEAN
MAYOR

SAUL SOLOMON
DIRECTOR OF LAW

DEPARTMENT OF LAW
METROPOLITAN COURTHOUSE, SUITE 108
P O BOX 196300
NASHVILLE, TENNESSEE 37219-6300
(615) 862-6341 • (615) 862-6352 FAX

November 29, 2012

Kent Younce, Chairman
State Election Commission
Division of Elections
312 Rosa L. Parks Avenue
9th Floor, Snodgrass Tower
Nashville, Tennessee 37243-0309

Dear Commissioner Younce:

The Department of Law of the Metropolitan Government of Nashville and Davidson County has been informed that at a meeting held on November 13, 2012, members of the State Election Commission ("SEC") decided to review the election activity of the Davidson County Election Commission ("DCEC"). Neither the notice nor the agenda for the November 13, 2012 meeting indicated that the SEC would be considering or deliberating upon issues pertaining to the audit or review of the activities of the DCEC.

The State Election Commission, established under Title 2 of the Tennessee Code, is subject to the Open Meetings Act ("Act"). T.C.A. §§ 2-1-113, 2-11-101. The Act requires that adequate public notice be given of all special and regular meetings of the SEC. T.C.A. § 8-44-103. "[A]dequate public notice means adequate public notice under the circumstances, or such notice based on the totality of the circumstances as would fairly inform the public." *Memphis Pub. Co. v. City of Memphis*, 513 S.W.2d 511, 513 (Tenn. 1974).

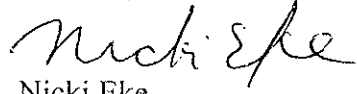
We do not believe that adequate public notice was provided for the November 13, 2012 meeting. Neither the meeting notice nor agenda fairly informed the public that the SEC would address or deliberate upon a matter of significant public interest such as the election activities of the DCEC.

Any action taken by a commission in violation of the Open Meetings Act is void. T.C.A. § 8-44-105. If a commission has decided a matter in violation of the Act, it should again consider the matter, conduct deliberations, and take necessary actions in a new public meeting conducted in accordance with the Act. *Neese v. Paris Special School Dist.*, 813 S.W.2d 432, 436 (Tenn. Ct. App. 1990). We respectfully request that the State Election Commission consider the issue

of auditing or reviewing the election activity of the DCEC in a new and properly noticed public meeting.

Thank you for your consideration of these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicki Eke". The signature is fluid and cursive, with the first name "Nicki" and last name "Eke" clearly distinguishable.

Nicki Eke

Assistant Metropolitan Attorney

Cc: Saul Solomon, Director of Law
Lynn Greer, Chairman, Davidson County Election Commission
Mark Goins, Coordinator of Elections

Judy H. Blackburn
1011 Heykoop Drive
Morristown, TN 37814
(423) 586-5828

Tom DuBois
810 South Garden Street
Columbia, TN 38401
(931) 388-2526

Greg Duckett
665 Tennessee Street, Unit 412
Memphis, TN 38103
(901) 227-5233

Tommy Head
1026 Hazel Drive
Clarksville, TN 37043
(931) 362-3229

State of Tennessee



State Election Commission
312 Rosa L. Parks Avenue
9th Floor, William R. Snodgrass Tennessee Tower
Nashville, TN 37243

Jimmy Wallace
428 Wiley Parker Road
Jackson, TN 38305
(731) 668-2700

Tom Wheeler
1196 Blockhouse Valley Road
Clinton, TN 37716
(865) 548-6159

Kent D. Younce
423 Fairway Drive
Lafollette, TN 37766
(423) 871-0245

January 31, 2013

Dear General Assembly Member:

The State Election Commission would like to thank you for your service.

According to TCA §§ 2-12-101 and 2-12-103 the State Election Commission is responsible for appointing five County Election Commissioners for every county in the state after consulting with the members of the General Assembly serving each of the counties as to the persons to be appointed. The State Election Commission is required to make appointments on the first Monday in April every odd-numbered year. In 2013, the first Monday is April 1.

The members of the majority (Republican) party on the State Election Commission appoint three members of the majority party to serve on the County Election Commission in each county, and the members of the minority (Democrat) party appoint two members of the minority party for each county.

Attached you will find a list of counties and the appropriate State Election Commissioner assigned to your specific county for appointment. Republicans will recommend Republican members and Democrats will recommend Democrat members.

When submitting information for appointment we will need the following information:


- Name, address, occupation and phone number – **Note: all information is public information.**


Attached you will find restrictions which apply to county election appointment.


We look forward to working with each of you.

Sincerely,

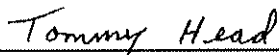

Kent Younce, Chairman


Tom Wheeler, Secretary


Judy Blackburn, Member


Tom DuBois, Member


Greg Duckett, Member


Tommy Head, Member


Jimmy Wallace, Member

**State Election Commission
Republican County Election Commission Appointments**

REPUBLICAN West (Jimmy Wallace)	REPUBLICAN Middle (Tom DuBois)	REPUBLICAN East (Judy Blackburn)	REPUBLICAN East (Kent Younce)
Bedford	Cheatham	Blount	Anderson
Benton	Coffee	Bradley	Bledsoe
Carroll	Davidson	Carter	Campbell
Chester	Dickson	Cocke	Cannon
Crockett	Franklin	Grainger	Claiborne
Decatur	Giles	Greene	Clay
Dyer	Grundy	Hamblen	Cumberland
Fayette	Hickman	Hamilton	Dekalb
Gibson	Houston	Hancock	Fentress
Hardeman	Humphreys	Hawkins	Jackson
Hardin	Lawrence	Jefferson	Macon
Haywood	Lewis	Johnson	Morgan
Henderson	Lincoln	Knox	Overton
Henry	Marion	Loudon	Pickett
Lake	Marshall	McMinn	Putnam
Lauderdale	Mauzy	Meigs	Rhea
Madison	Montgomery	Monroe	Roane
McNairy	Moore	Polk	Scott
Obion	Perry	Sevier	Smith
Shelby	Robertson	Sullivan	Trousdale
Stewart	Rutherford	Unicoi	Union
Tipton	Sequatchie	Washington	Van Buren
Wayne	Sumner		Warren
Weakley	Williamson		White
Wilson			

State Election Commission - Republican Members

Judy H. Blackburn, Member

1011 Heykoop Drive
Morristown, TN 37814
Phone: (423) 586-5828

e-mail: judyblackburn@musfiber.com

Tom DuBois, Member

810 South Garden Street
Columbia, TN 38401
Phone: (931) 388-2526

e-mail: tdubois@duboislegal.com

Jimmy Wallace, Member

428 Wiley Parker Road
Jackson, TN 38305
Phone: (731) 668-2700

e-mail: wh@aeneas.net

Kent D. Younce, Chairman

423 Fairway Drive
Lafollette, TN 37766
Phone: (423) 871-0245

e-mail: kentyounce@comcast.net

**State Election Commission
Democratic County Election Commission Appointments**

DEMOCRATIC WEST (Greg Duckett)	DEMOCRATIC MIDDLE (Tommy Head)	DEMOCRATIC EAST (Tom Wheeler)
Benton	Bedford	Anderson
Carroll	Cannon	Bledsoe
Chester	Cheatham	Blount
Crockett	Clay	Bradley
Decatur	Coffee	Campbell
Dickson	Cumberland	Carter
Dyer	Davidson	Claiborne
Fayette	DeKalb	Cocke
Gibson	Franklin	Fentress
Giles	Grundy	Grainger
Hardeman	Jackson	Greene
Hardin	Lincoln	Hamblen
Haywood	Macon	Hamilton
Henderson	Marion	Hancock
Henry	Marshall	Hawkins
Hickman	Mauy	Jefferson
Houston	Montgomery	Johnson
Humphreys	Moore	Knox
Lake	Overton	Loudon
Lauderdale	Pickett	McMinn
Lawrence	Putnam	Meigs
Lewis	Robertson	Monroe
McNairy	Rutherford	Morgan
Madison	Sequatchie	Polk
Obion	Smith	Rhea
Perry	Sumner	Roane
Shelby	Trousdale	Scott
Stewart	Van Buren	Sevier
Tipton	Warren	Sullivan
Wayne	White	Unicoi
Weakley	Williamson	Union
	Wilson	Washington

State Election Commission -- Democratic Members

Greg Duckett, Member
665 Tennessee Street, Unit 412
Memphis, TN 38103
(901) 227-5233

e-mail: Greg.Duckett@BMHCC.org

Tommy Head, Member
1026 Hazel Drive
Clarksville, TN 37043
Phone: (931) 362-3229

Tom Wheeler, Secretary
1196 Blockhouse Valley Road
Clinton, TN 37716
Phone: (865) 548-6159
e-mail: TomWheeler2@comcast.net

2-1-112. Restrictions on commission or board membership or service as election official.

(a) (1) Neither an elected official nor an employee of a state, county, municipal or federal governmental body or agency or of an elected official may serve as a member of a county election commission or as a member of a county primary board or as an election official. No candidate in an election may act in connection with that election as a member of any board or commission established under this title or as an election official.

(2) No member of a county election commission who is appointed to the commission after January 1, 2009, shall be the campaign manager or treasurer of any candidate's political campaign in a local, state or federal election during the commissioner's term of office. A violation of this subdivision (a)(2) subjects the member to immediate removal from office by a majority vote of the state election commission. Nothing in this subdivision (a)(2) shall be construed to prohibit a member of the county election commission from providing uncompensated advice on a one-on-one basis to a candidate or party officer, nor shall it prohibit providing a financial contribution to a candidate or party organization.

(b) (1) This section does not disqualify any person who is within its terms solely because the person is a notary public, an employee, faculty member or instructor at an institution of higher education, a school teacher, or a member of a reserve unit of the United States army, air force, marine corps or navy, or a member of the national guard unless the person is a full-time employee or member of such reserve unit or the national guard, or unless the person is on active duty.

(2) This section does not disqualify any employee of a county or city school system who does not work directly under the supervision of an elected official.

(3) This section does not disqualify any person from service as an officer of elections, judge, machine operator, assistant precinct registrar or inspector because the person is a member of a reserve unit of the United States army, air force, marine corps or navy or the national guard except while the person is on active duty.

Acts 1972, ch. 740, § 1; 1978, ch. 538, § 1; 1979, ch. 304, § 1; T.C.A., § 2-112; Acts 1981, ch. 106, § 1; 1984, ch. 664, § 1; 2005, ch. 163, § 5; 2008, ch. 1051, § 1.

DeKalb County Election Commission
1 Public Square, Courthouse Room 104
P.O. Box 543
Smithville, TN 37166

Website: www.dekalbelections.com

Phone: 615-597-4146

Fax: 615-597-7799

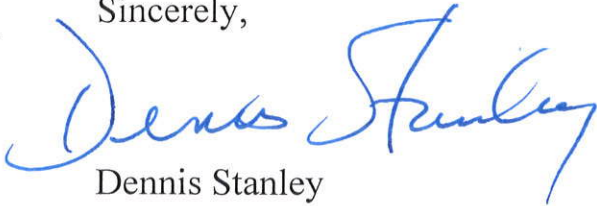
1/8/2013

To the Tennessee Election Commission ,

Due to the fact the Smithville Municipal Election is June 18, I am officially requesting an excused absence from the Summer Training Session in Memphis.

If I can answer any questions or be of any further assistance please do not hesitate to call.

Sincerely,



Dennis Stanley
Administrator of Elections

cc: file

RECEIVED
2012 JAN -9 AM 10:45
SECRETARY OF STATE
ELECTIONS

DeKalb County Election Commission

1 Public Square, Courthouse Room 104

P.O. Box 543

Smithville, TN 37166

Website: www.dekalbelections.com

Phone: 615-597-4146

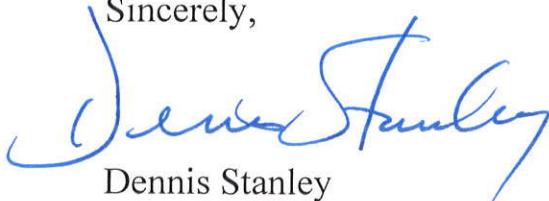
Fax: 615-597-7799

1/8/2013

Dear Coordinator Goins,

Per your instructions, please find enclosed a letter to the Tennessee Election Commission an excused absence from the June 17-18 Summer Training Session in Memphis. This absence is requested due to the fact the City of Smithville Municipal Election, in which three of the board's five aldermen are to be elected, is set for June 18th.

Sincerely,



Dennis Stanley
Administrator of Elections

cc: file

RECEIVED
2012 JAN -9 AM 10:45
SECRETARY OF STATE
ELECTIONS